IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4211 of 2005

Between:

Jillelamudi Srinivasa Rao S/o Late Yamalaiah
r/o 3rd Ward 5line Big Cheruvu, Narasaraopet, Guntur District

..... PETITIONER

AND

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, Narasaraopet, Guntur District
3 The Mandal Revenue Officer, Narasaraopet, Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, Writ or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in not considering the representation submitted by the petitioner on 5-9-2004 seeking to transfer the licence possessed by his late father or grant a fresh licence in favour of the petitioner, as illegal, arbitrary, and violative of the Articles 14, 15 and 21 of the Constitution of India and consequently direct the respondents to forthwith consider the representation dt 5-9-2004 and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MRK.JOSEPH

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioner who is the son of the original authorized licensee, filed this writ petition, seeking extension of the same benefit by issuing authorisation in his name, after the death of his father.

But, under any statute, there is no such enabling provision, which permits the legal representatives of a deceased to succeed a licence after the death of the original authorized dealer. On that score alone, the relief sought in this writ petition is liable to be rejected.

However, the learned counsel for the petitioner contends that the petitioner had submitted a written representation dated 5.9.2004 to the authorities concerned, but the same has not been considered so far.

In that view of the matter, the writ petition is disposed of at the stage of admission with a direction to the respondents to consider the representation said to have been made by the petitioner in accordance with law, if he is otherwise eligible for issuance of the licence, as expeditiously as possible. No costs.

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kvsn 07-03-2005

To

1 The Joint Collector, Guntur, Guntur District
2 The Revenue Divisional Officer, Narasaraopet, Guntur District
3 The Mandal Revenue Officer, Narasaraopet, Guntur District

4 Two Copies to the GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CDs.